

HOUSE BILL 581
By Curtiss

AN ACT to amend Tennessee Code Annotated, Section 55-10-403, relative to the punishment for the offense of driving under the influence of an intoxicant.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 55-10-403, is amended by adding the following as a new, appropriately designated subdivision to subsection (a):

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(A) In lieu of the forty-eight (48) hour minimum period of incarceration required by this subsection for persons convicted of driving under the influence of an intoxicant for the first time, the court may require such offender to remove litter from state, county or city highways and streets for a period of forty-eight (48) hours.

(B) A court sentencing an offender pursuant to this subdivision shall order such offender to remove litter from public highways for a period of eight (8) hours a day for six (6) days. The court shall transmit the name and address of each offender sentenced pursuant to this subdivision to the sheriff of the county in which the offense occurred. The sheriff shall notify each such offender of the date and time they are to report to the county jail for assignment on a litter removal crew. The sheriff shall schedule such assignments when there are a sufficient number of offenders to comprise a cost-effective litter removal crew. The days and times to which offenders are assigned for litter removal shall be days and times that the offender is off from work and will not interfere with such offender's regular employment.

(C) Each offender ordered to remove litter shall be required to wear a blaze orange or other distinctively colored vest with the words "I am a DRUNK DRIVER" stenciled or otherwise written on the back of such vest.

(D) Offenders sentenced pursuant to this subdivision shall be required to furnish their own clothes and food while engaged in litter removal.

(E) Upon completion of eight (8) hours of litter removal, the offender shall be permitted to return home until notified by the sheriff of the next date such offender is scheduled for litter removal duty.

(F) The sheriff shall be responsible for the supervision and control of all offenders sentenced to litter removal duty. It shall be within the discretion of the sheriff to select the public roads from which such offenders remove litter. If the road selected is a state highway, the department of transportation shall provide a truck or trucks to transport such offenders. Provided, however, the sheriff shall still be responsible for the supervision and control of the offenders.

(G) The sheriff may enter into agreements with any city or municipality or the state of Tennessee whereby offenders sentenced pursuant to this subdivision may be used to remove litter from city or municipal streets or state highways. The same conditions set out in this subdivision shall be applicable to offenders removing litter pursuant to such an agreement. The agreement may provide that the city, municipality or state assume responsibility for the supervision and control of the offenders.

(H) If any entity receives funds under Tennessee Code Annotated, Section 41-2-123(c), the offenders shall be the responsibility of the entity supervising that program and under that entity's supervision and control;

otherwise, the sheriff shall be responsible for the supervision and control of all offenders sentenced to litter removal duty.

(l) No sheriff shall be permitted to use an offender sentenced pursuant to this subdivision to perform any task other than litter removal.

SECTION 2. If any provision of this act or the application thereof to any person or circumstance is held invalid, then all provisions and applications of this act are declared to be invalid and void and the law in effect prior to enactment of this act shall remain in full force and effect.

SECTION 3. This act shall take effect July 1, 2005, the public welfare requiring it.